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18CY-CV12075 - ARTHUR B CLARK V VERITIV OPERATING COMPANY ET
AL (E-CASE)

Case Header	Parties & Attorneys	Docket Entries	Charges, Judgments & Sentences	Service Information	Filings Due	Scheduled Hearings & Trials	Civil Judgments	Garnishments/ Execution
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- 11/29/2018** ☐ **Judge Assigned**
- ☐ **Pet Filed in Circuit Ct**
Petition for Damanges.
Filed By: JOSEPH ROBERT HILLEBRAND
- ☐ **Motion Special Process Server**
Motion for Special Process Server.
Filed By: JOSEPH ROBERT HILLEBRAND
On Behalf Of: ARTHUR B CLARK
- ☐ **Note to Clerk eFiling**
Filed By: JOSEPH ROBERT HILLEBRAND
- ☐ **Filing Info Sheet eFiling**
Filed By: JOSEPH ROBERT HILLEBRAND
- 12/03/2018** ☐ **Order - Special Process Server**
- ☐ **Summons Issued-Circuit**
Document ID: 18-SMCC-1300, for VERITIV OPERATING COMPANY.
- ☐ **Summons Issued-Circuit**
Document ID: 18-SMCC-1301, for MILLER, FENTON.
- 12/13/2018** ☐ **Notice of Service**
Proof of Service upon Fenton Miller.
Filed By: JOSEPH ROBERT HILLEBRAND
On Behalf Of: ARTHUR B CLARK
- ☐ **Summons Personally Served**
Document ID - 18-SMCC-1301; Served To - MILLER, FENTON; Server - SPECIAL PROCESS SERVER;
Served Date - 13-DEC-18; Served Time - 13:31:00; Service Type - Special Process Server; Reason
Description - Served; Service Text - .
- 12/17/2018** ☐ **Notice of Service**
Service of Summons to Veritiv Operating Company served 18-SMCC-1300; Electronic Filing Certificate of Service.
- ☐ **Corporation Served**
Document ID - 18-SMCC-1300; Served To - VERITIV OPERATING COMPANY; Server - SO ST LOUIS COUNTY-CLAYTON; Served Date - 17-DEC-18; Served Time - 00:00:00; Service Type - Sheriff Department; Reason Description - Served; Service Text - , by serving LCW, B. Love, intake Specialist.

Case.net Version 5.13.19.3

[Return to Top of Page](#)

Released 11/05/2018

EXHIBIT 1

IN THE CIRCUIT COURT OF CLAY COUNTY
STATE OF MISSOURI

ARTHUR B. CLARK,)	
)	
Plaintiff,)	
	)	Cause No.:
vs.)	
	)	Division No.:
VERITIV OPERATING COMPANY,)	
<u>Serve: Registered Agent:</u>)	
C.T. Corporation System)	
120 South Central Avenue	)	JURY TRIAL DEMANDED
Clayton, MO 63105)	
)	
AND,)	
)	
FENTON W. MILLER,)	
<u>Serve at:</u>)	
8335 Lowell Avenue # 1)	
Overland Park, KS 66212)	
)	
Defendants.)	

PETITION

COMES NOW Plaintiff, Arthur B. Clark, by and through his attorneys, Brown & Crouppen, P.C., and states as follows for his action against Veritiv Operating Company and Fenton W. Miller:

Preliminary Statement

1. This action seeks compensatory damages for injuries suffered by plaintiff, Arthur B. Clark, on April 5, 2018.
2. Plaintiff suffered severe injuries when his vehicle, traveling westbound on 210 Highway, collided into a commercial vehicle that was attempting a left turn from southbound Pleasant Avenue onto eastbound 210 Highway and negligently failed to yield the right-of-way to Plaintiff. The commercial vehicle was being operated by Fenton W. Miller, an agent, servant

and/or employee of defendant Veritiv Operating Company.

3. Defendant Veritiv Operating Company's principal place of business is in Atlanta, Georgia.

4. Defendant Fenton Miller is a resident of Johnson County, Kansas, and at all times alleged in this petition was acting as an agent, servant and/or employee of Defendant Veritiv Operating Company.

5. The incident out of which this action arose occurred in Clay County, State of Missouri.

6. At all times material hereto, 210 Highway is an open and public street, highway and thoroughfare generally running in an east and west direction located in Clay County, State of Missouri.

Parties

7. Plaintiff, Arthur B. Clark, (hereinafter Plaintiff) is a resident of Ray County, State of Missouri.

8. Defendant, Veritiv Operating Company (hereinafter VOC) is a foreign for-profit corporation incorporated in Delaware. It is a federally licensed motor carrier with the U.S. Department of Transportation, No. 310582, and has its principal place of business in Atlanta, Georgia.

9. Defendant Fenton Miller, (hereinafter Miller) is a citizen and resident of Johnson County, State of Kansas. At all times alleged in this petition, Defendant Miller was acting as an agent, servant and/or employee of Defendant VOC.

COUNT I – NEGLIGENCE

Plaintiff, Arthur B. Clark, by and through his attorneys, Brown and Crouppen, P.C., states as follows for Count I of his Petition against Defendant Veritiv Operating Company:

10. Plaintiff realleges paragraphs 1 – 9 of this Petition.

11. On April 5, 2018, Plaintiff was operating a motor vehicle westbound on 210 Highway at or near the intersection of Pleasant Avenue, in Clay County, Missouri, when defendant Miller, acting as an agent, servant and/or employee of defendant VOC attempted to make a left turn onto eastbound 210 Highway from southbound Pleasant Avenue, and negligently failed to yield the right-of-way to Plaintiff.

12. Defendant Miller's commercial vehicle drove into plaintiff's path of travel causing a collision between the two vehicles. This collision was the direct result of the negligence of defendant VOC acting through its employee, agent and/or servant individually or in combination, in one or more of the following respects:

- a) Defendant VOC by and through its agent, servant and/or employee was inattentive to the roadway;
- b) Defendant VOC by and through its agent, servant and/or employee carelessly and neglectfully failed to yield the right-of-way;
- c) Defendant VOC by and through its agent, servant and/or employee carelessly and negligently failed to sound a warning of his approach, to slacken speed, swerve or stop before colliding with plaintiff's automobile;
- d) Defendant VOC by and through its agent, servant and/or employee failed to control the commercial vehicle;
- e) Defendant VOC by and through its agent, servant and/or employee carelessly and negligently operated his commercial vehicle at an excessive rate of speed under the circumstances then and there existing;
- f) Defendant VOC failed to train Fenton Miller in the safe operation of the commercial vehicle it allowed him to operate;

- g) Defendant VOC failed to monitor the hours of service that Fenton Miller operated this commercial vehicle.
- h) Defendant VOC entrusted its driver to operate its commercial vehicle when it knew or should have known that he had an unsafe past while operating motor vehicles;
- i) Defendant VOC retained Fenton Miller as a driver when it knew or should have known of his unsafe past while operating motor vehicles;
- j) Defendant VOC hired Fenton Miller without performing an adequate investigation of his driving history.

13. As a direct result of the negligence of defendant VOC in one or more of these respects, Plaintiff suffered severe physical injuries and damages including fractures of the left arm and left leg, which have required surgery and extensive medical treatment; he has suffered great pain of the mind and body and will continue to suffer great pain of mind and body permanently; he has sought and received medical care and attention and will continue to receive medical care and attention; he has incurred medical expenses and will continue to incur medical expenses; he has suffered significant disability and will continue to suffer significant disability permanently; all to his damage.

WHEREFORE, Arthur B. Clark requests that a judgment be entered against Defendant Veritiv Operating Company on Count I of this Petition in an amount in excess of Twenty-Five Thousand Dollars (\$25,000.00), plus costs.

COUNT II – NEGLIGENCE

Plaintiff Arthur B. Clark, by and through his attorneys, Brown and Crouppen, P.C., states as follows for Count II of his Petition against Defendant Fenton W. Miller:

14. Plaintiff realleges paragraphs 1 – 13 of this Petition.

15. Defendant Miller's commercial vehicle drove into the roadway in front of the Plaintiff's vehicle causing a collision between the two vehicles. This collision was the direct result of the negligence of Defendant Miller in one or more of the following respects:

- a) Defendant Miller was inattentive to the roadway;
- b) Defendant Miller carelessly and neglectfully failed to yield the right-of-way;
- c) Defendant Miller carelessly and negligently failed to sound a warning of his approach, to slacken speed, swerve or stop before colliding with plaintiff's automobile;
- d) Defendant Miller failed to control the commercial vehicle;
- e) Defendant Miller carelessly and negligently operated his commercial vehicle at an excessive rate of speed under the circumstances then and there existing; and/or,
- f) Defendant Miller failed to keep a careful lookout laterally and ahead.

16. As a direct result of the negligence of Defendant Miller in one or more of these respects, Plaintiff suffered severe physical injuries and damages including fractures of the left arm and left leg, which have required surgery and extensive medical treatment; he has suffered great pain of the mind and body and will continue to suffer great pain of mind and body permanently; he has sought and received medical care and attention and will continue to receive medical care and attention; he has incurred medical expenses and will continue to incur medical expenses; he has suffered significant disability and will continue to suffer significant disability permanently; all to his damage.

WHEREFORE, Plaintiff Arthur B. Clark requests that a judgment be entered against Defendant Fenton W. Miller on Count II of this Petition in an amount in excess Twenty-Five Thousand Dollars (\$25,000.00), plus costs.

BROWN & CROUPPEN, P.C.

By: /s/ Joseph R. Hillebrand
Joseph R. Hillebrand, #43344
Michael Kopit #65686
Brown & Crouppen, P.C.
211 N. Broadway, Suite 1600
St. Louis, MO 63102
(314) 421-0216 phone
(314) 421-0359 fax
pipleadings@getbc.com
joeh@getbc.com
michaelk@getbc.com
ATTORNEYS FOR PLAINTIFF

IN THE CIRCUIT COURT OF CLAY COUNTY
STATE OF MISSOURI

ARTHUR B. CLARK,)	
)	
Plaintiff,)	
	)	Cause No.:
vs.)	
	)	Division No.:
VERITIV OPERATING COMPANY,)	
<u>Serve: Registered Agent:</u>)	
C.T. Corporation System)	
120 South Central Avenue	)	JURY TRIAL DEMANDED
Clayton, MO 63105)	
)	
AND,)	
)	
FENTON W. MILLER,)	
<u>Serve at:</u>)	
8335 Lowell Avenue # 1)	
Overland Park, KS 66212)	
)	
Defendants.)	

**MOTION FOR APPROVAL AND APPOINTMENT
OF PRIVATE PROCESS SERVER**

COMES NOW Petitioner/Plaintiff in the above captioned matter and for her Motion for Approval/ Appointment of a Private Process Server, pursuant to Local Rule of the Clay County Circuit Court Rules, states to the Court as follows:

The Petitioner/ Plaintiff requests that the following individual be approved and appointed to serve process in this case:

<u>Legal Name:</u>	<u>Registration No. (if applicable)</u>
Ron Gamm	PPS18-0190

The Petitioner/Plaintiff states that:

- ☐ The above-named individual is qualified to serve process in this matter and that an affidavit containing the information required by Rule 4.9 and attesting to such qualifications is attached and incorporated as Exhibit "A".
- ☒ The above-named individual is on the Court's List of Approved Process Servers and all of the information contained in his/her Application and Affidavit currently on file is still correct.
- ☐ The above-named individual is on the Court's List of Approved Process Servers and the information contained in his/her Application and Affidavit needs to be updated as indicated in an attachment, provided by me herewith.

/s/ Joseph R. Hillebrand
Petitioner/ Plaintiff's Signature

ORDER

It is hereby ordered that Petitioner/Plaintiff's Motion for Approval and Appointment of a Private Process server is sustained and the above-named individual is hereby approved and appointed to serve process in the above captioned matter.

DATE

JUDGE/CLERK

IN THE CIRCUIT COURT OF CLAY COUNTY
STATE OF MISSOURI

ARTHUR B. CLARK,)	
)	
Plaintiff,)	
	)	Cause No.:
vs.)	
	)	Division No.:
VERITIV OPERATING COMPANY,)	
<u>Serve: Registered Agent:</u>)	
C.T. Corporation System)	
120 South Central Avenue	)	JURY TRIAL DEMANDED
Clayton, MO 63105)	
)	
AND,)	
)	
FENTON W. MILLER,)	
<u>Serve at:</u>)	
8335 Lowell Avenue # 1)	
Overland Park, KS 66212)	
)	
Defendants.)	

**MOTION FOR APPROVAL AND APPOINTMENT
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- ☐ The above-named individual is on the Court's List of Approved Process Servers and the information contained in his/her Application and Affidavit needs to be updated as indicated in an attachment, provided by me herewith.

/s/ Joseph R. Hillebrand
Petitioner/ Plaintiff's Signature

ORDER

It is hereby ordered that Petitioner/Plaintiff's Motion for Approval and Appointment of a Private Process server is sustained and the above-named individual is hereby approved and appointed to serve process in the above captioned matter.

DECEMBER 3, 2018

DATE

BARB WILMOT

JUDGE/CLERK




IN THE 7TH JUDICIAL CIRCUIT COURT, CLAY COUNTY, MISSOURI

Judge or Division: JANET SUTTON	Case Number: 18CY-CV12075
Plaintiff/Petitioner: ARTHUR B CLARK	Plaintiff's/Petitioner's Attorney/Address JOSEPH ROBERT HILLEBRAND BROWN & CROUPPEN 211 N BROADWAY STE 1600 SAINT LOUIS, MO 63102
Defendant/Respondent: VERITIV OPERATING COMPANY	Court Address: 11 S WATER LIBERTY, MO 64068
Nature of Suit: CC Pers Injury-Vehicular	

(Date File Stamp)

Summons in Civil Case

The State of Missouri to: VERITIV OPERATING COMPANY
Alias:
 % CT CORP SYSTEM
 120 S CENTRAL AVE
 CLAYTON, MO 63105

COURT SEAL OF

 CLAY COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

12/3/2018
Date

BARB WILMOT
Clerk

Further Information:

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.

☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with _____ a person of the Defendant's/Respondent's family over the age of 15 years.

☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to _____ (name) _____ (title).

☐ other _____.

Served at _____ (address)
 in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

 Printed Name of Sheriff or Server

 Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

(Seal) Subscribed and sworn to before me on _____ (date).

My commission expires: _____
 Date Notary Public

Sheriff's Fees

Summons	\$ _____
Non Est	\$ _____
Sheriff's Deputy Salary	
Supplemental Surcharge	\$ 10.00
Mileage	\$ _____ (_____ miles @ \$._____ per mile)
Total	\$ _____

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.




IN THE 7TH JUDICIAL CIRCUIT COURT, CLAY COUNTY, MISSOURI

Judge or Division: JANET SUTTON	Case Number: 18CY-CV12075
Plaintiff/Petitioner: ARTHUR B CLARK	Plaintiff's/Petitioner's Attorney/Address JOSEPH ROBERT HILLEBRAND BROWN & CROUPPEN 211 N BROADWAY STE 1600 SAINT LOUIS, MO 63102
Defendant/Respondent: VERITIV OPERATING COMPANY	Court Address: 11 S WATER LIBERTY, MO 64068
Nature of Suit: CC Pers Injury-Vehicular	

(Date File Stamp)

Summons in Civil Case

The State of Missouri to: FENTON MILLER III
Alias:
8335 LOWELL AVENUE
#1
OVERLAND PARK, KS 66212

COURT SEAL OF

CLAY COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

12/3/2018
Date

BARB WILMOT
Clerk

Further Information:

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.

☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with _____ a person of the Defendant's/Respondent's family over the age of 15 years.

☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to _____ (name) _____ (title).

☐ other _____.

Served at _____ (address)
in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

(Seal) Subscribed and sworn to before me on _____ (date).

My commission expires: _____
Date Notary Public

Sheriff's Fees

Summons \$ _____

Non Est \$ _____

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00

Mileage \$ _____ (_____ miles @ \$._____ per mile)

Total \$ _____

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

IN THE CIRCUIT COURT OF CLAY COUNTY
STATE OF MISSOURI

ARTHUR B. CLARK,)	
)	
Plaintiff,)	
	)	Cause No.: 18CY-CV12075
vs.)	
)	
VERITIV OPERATING COMPANY,)	
AND,)	
FENTON W. MILLER,)	
)	
Defendants.)	

MEMORANDUM TO COURT CLERK

COMES NOW Plaintiff, and hereby files a copy of the return of service upon Defendant Fenton Miller III. Fenton Miller III was personally served at 8335 Lowell Avenue, Overland Park, Kansas 66212, his usual place of abode, on December 12, 2018.

BROWN & CROUPPEN, P.C.

BY: Isl Joseph R. Hillebrand
Joseph R. Hillebrand #43344
Attorney for Plaintiff
211 N. Broadway, Ste. 1600
St. Louis, MO 63102
(314)421-0216
(314) 421-0359 (Fax)
pipleadings(@.GetBC.com

AFFIDAVIT OF SERVICE

Case: 1SCY-CV-12075	Court: 7TH JUDICIAL CIRCUIT COURT	County: CLAY, MO	Job: 2892895
Plaintiff / Petitioner: ARTHUR S. CLARK		Defendant / Respondent VERITIV OPERATING COMPANY	
Received by: RONGAMM		For: BROWN & CROUPPEN	
To be served upon: FENTON MILLER III			

I, Ron Gamm Jr., being duly sworn, depose and say: I am over the age of 18 years and not a party to this action. and that within the boundaries of the state where service was effected, I was authorized by law to make service of the documents and inform said person of the contents herein.

I have served the attached documents by:

 X delivering a copy of the service documents to the Defendant.

 leaving a copy of the service documents at the dwelling place or usual abode of the Defendant with the person identified below. who is a person over the age of 15 years.

 (for service on a corporation) delivering a copy of the service documents to the person identified below.

 documents could not be served due to the lack of contact with the subject.

SERVED IN JOHNSON COUNTY AND IN THE STATE OF KANSAS

Recipient Name / Address: FENTON MILLER, 8335 LOWELL AVE, OVERLAND PARK, KS 66212

Manner of Service: Personal/Individual, Dec 12, 2018, 1:31 pm CST

Documents: SUMMONS IN CIVIL CASE, PETITION (Received Dec 5, 2018 at 11:11 am CST)

Additional Comments:

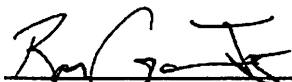
1) Unsuccessful Attempt Dec 5, 2018, 8:18 pm CST at 8335 LOWELL AVE, OVERLAND PARK, KS 66212
KNOCKED ON THE FRONT DOOR BUT, NOBODY CAME TO ANSWER THE DOOR.

2) Unsuccessful Attempt: Dec 7, 2018, 9:26 pm CST at 8335 LOWELL AVE, OVERLAND PARK, KS 66212
ARRIVED AT THE RESIDENCE, KNOCKED ON THE DOOR; HOWEVER, NO ONE CAME TO THE FRONT DOOR.

3) Unsuccessful Attempt: Dec 8, 2018, 3:59 pm CST at 8335 LOWELL AVE, OVERLAND PARK, KS 66212
KNOCKED ON THE FRONT DOOR AND NO ONE CAME TO ANSWER THE FRONT DOOR.

4) Unsuccessful Attempt: Dec 10, 2018, 4:09 pm CST at 8335 LOWELL AVE, OVERLAND PARK, KS 66212
ARRIVED AT THE RESIDENCE, KNOCKED ON THE DOOR; HOWEVER, NO ONE CAME TO THE FRONT DOOR.

5) Successful Attempt: Dec 12, 2018, 1:31 pm CST at 8335 LOWELL AVE, OVERLAND PARK, KS 66212 received by FENTON MILLER. Ethnicity: Caucasian; Gender: Male; Weight: 190; Height: 5'6"; Hair: White; Other: FENTON MILLER HAS A WHITE MUSTACHE. HE WAS WEARING A WHITE UNDERSHIRT, RED POLO AND BLACK SLACKS. FENTON MILLER WAS SERVED AT THE FRONT DOOR OF THE RESIDENCE.


Ron Gamm Jr.

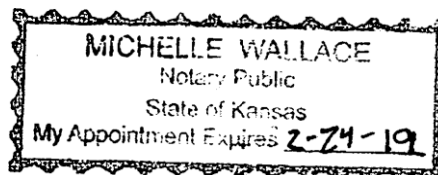
12-12-2018
Date

Subscribed and sworn to before me by the affiant who is personally known to me.


Notary Public

12-12-2019
Date

2-24-19
Commission Expires





IN THE 7TH JUDICIAL CIRCUIT COURT, CLAY COUNTY, MISSOURI

Judge or Division: JANET SUTTON	Case Number: 18CY-CV12075
Plaintiff/Petitioner: ARTHUR B CLARK	Plaintiff's/Petitioner's Attorney/Address JOSEPH ROBERT HILLEBRAND BROWN & CROUPPEN 211 N BROADWAY STE 1600 SAINT LOUIS, MO 63102
Defendant/Respondent: VERITIV OPERATING COMPANY	Court Address: 11 S WATER LIBERTY, MO 64068
Nature of Suit: CC Pers Injury-Vehicular	

(Date File Stamp)

Summons in Civil Case

The State of Missouri to: VERITIV OPERATING COMPANY
Alias:

% CT CORP SYSTEM
120 S CENTRAL AVE
CLAYTON, MO 63105

COURT SEAL OF

CLAY COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

12/3/2018 Date
BARB WILMOT Clerk

Further Information:

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with a person of the Defendant's/Respondent's family over the age of 15 years.
☒ (for service on a corporation) delivering a copy of the summons and a copy of the petition to

LCW - B. LOVE (name) Intake Specialist (title).
☐ other CT CORP.

Served at St. Louis County (County/City of St. Louis), MO, on DEC 14 2018 (date) at 9 A.M. (time).

L. D. SILVESTER
Printed Name of Sheriff or Server

[Signature]
Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

(Seal) Subscribed and sworn to before me on _____ (date).

My commission expires: _____ Date _____ Notary Public

Sheriff's Fees

Summons \$ _____
 Non Est \$ _____
 Sheriff's Deputy Salary \$ _____
 Supplemental Surcharge \$ 10.00
 Mileage \$ _____ (_____ miles @ \$._____ per mile)
Total \$ _____

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.